

MHR Connections

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1982 complaint continues to guide sexual harassment cases

At twenty-one years old Dianna Janzen had no idea that her unfortunate experiences as a waitress in Winnipeg would result in the way Canada defines sexual harassment.

May 4th was the 22nd anniversary of the Supreme Court of Canada ruling, which stated that sexual harassment is a form of sex discrimination. Janzen was one of two women who endured the repeated sexual harassment, including sexual advances and groping, at a Winnipeg restaurant. After 29 years she has come forward to tell her story. Janzen turns 50 this year, and decided to end her years of silence to educate others, especially young women on the importance of speaking up when they are being sexually harassed.

In an exclusive recorded interview with Human Rights Consultant and Author Stephen Hammond, Janzen revealed that she suffered from lingering doubts, despite winning her case at the Supreme Court. "Even with the positive reinforcement and the supports, there was a feeling of aloneness and failure. If I'd only done things differently. If I hadn't worn that skirt, or if I hadn't smiled that way, or if I hadn't been so trusting. If I had been different or smarter none of this would have happened. And I did blame myself. But not anymore."

At 21 Janzen took a waitressing job at Pharos Restaurant in Winnipeg, and it wasn't long before she was subjected to repeated occurrences of sexual harassment by the restaurant cook. Finally after unsuccessful attempts to deal with the issue on her own, Janzen sought remedy from one of the owners, but when he refused to intervene and stop the harassment, Janzen quit.

After securing another waitressing job, and with the support of her new boss, Janzen filed a complaint to the

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The Rights Connection
by Jerry Woods - Chairperson

The silence among us

The two articles in this month's Connections Bulletin have struck a common cord with me. There is no doubt that speaking out, whether it is about sexual harassment or discrimination based on sexual orientation, often requires brave, and sometimes solitary, action.

Dianna Janzen stood up for what she believed had to be changed. It had a huge impact on her life, mostly good but, some bad. She is one of the many unsung heroes who fought for human rights in Canada and richly deserves to be recognized for it.

The recent report *Every Class in Every School* reveals the solemn reminder that we still have a long way to go when it comes to discrimination and harassment based on sexual orientation. The research reveals that gay, lesbian, bisexual, transgendered, two-spirited, queer or questioning (LGBTQ) students often feel alone in a world they consider unwelcoming at best and hostile at worst. As one fifteen-year-old lesbian participant in the study said, "School is not a safe place for anyone like me."

For me, the most haunting quote in the report is the following, "The silence of teachers not only helps to validate homophobia, it helps to ensure the recirculation of fear by teaching students that they're on their own on this issue and that adults won't help them. Some school authorities and some parents tacitly approve of homophobia as an efficient technology for making children turn out heterosexual. Sadly, some parents are so terrified of their kids turning out gay that they would rather see them unhappy than see them unheterosexual."

Where to begin? We all know that homophobia is not just in the schools. It is throughout society, and many have been silent. It is time to lead the way and speak respectfully of LGBTQ students and adults. I encourage you to add your voice and courage not only to those who live in fear, but also to the silent majority who will join us. Only then will attitudes begin to change.

We have learned many lessons since Dianna Janzen came forward. Perhaps the most important one is that no-one should stand on their own when confronted with discrimination.

Study reveals homophobic language used by both students and teachers

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A national three-year study involving 3,607 Canadian teens finds public schools a bleak place for lesbian, gay, bisexual, transgendered, two-spirited, queer or questioning (LGBTQ) students.

The authors of the study, University of Winnipeg's Dr. Catherine Taylor and University of Manitoba Sociology

Professor Dr. Tracey Peter, write that there is a litany of homophobic attacks in schools. "... Verbal harassment, physical harassment, physical assault, sexual assault, property stolen and vandalized, mean rumours and lies spread through graffiti, texting, Facebook... on and on it goes, the same miserable litany of ways to torment each other, updated with electronic innovations of the day..." The study is aptly called *Every Class in Every School*.

The research reveals that school hallways are saturated with daily, homophobic language, which, for the most part, is accepted by students. Expressions like "that's so gay", "faggot" and "lezbo" are commonplace. According to the study almost 10% of teachers use similar homophobic phrases or comments daily or weekly.

"It's the day-in, day-out saturation of school culture with such language that undermines the spirits of LGBTQ kids. It's hearing a word that applies to a core aspect of your identity used as a synonym for "stupid" 50 times a day... How would we like hearing "teacher" or "parent" used as a synonym for "stupid" 50 times a day?"

The study found that 21% of LGBTQ students report being physically harassed or assaulted while almost two thirds (64%) feel unsafe at school. The most feared places are hallways, washrooms and changing rooms. It also found that girls and young women suffer more verbal and physical abuse relating to sexual orientation than do boys and young men.

And as high as 58% of the straight students surveyed, were upset by the homophobic language. Their reasons for feeling badly range from having a LGBTQ friend or family member to being ashamed of themselves for participating.

Also it was found that most students will not intervene when homophobic language is heard. Many of the following questions race through their minds: What will happen to me if I speak up? Will they think I am gay? Will rumours start? Will no one hang out with me?

There are recommendations, which include that both School Divisions and individual schools develop anti-homophobic policies as well as professional development workshops for all school division employees.

The study *Every Class in Every School* can be found on the University of Winnipeg's <http://www.uwinnipeg.ca>.

Manitoba Human Rights Commission. She then found out that another Pharos' waitress, Tracy Govereau, had also filed a complaint and the two cases were joined together. Through more than six years of legal wins and losses, they finally won their case at the Supreme Court of Canada on May 4, 1989. The unanimous decision included a very liberal definition of sexual harassment, stating that sexual harassment is discrimination based on sex and employers are responsible for the actions of their employees.

This was the final victory but it came at a price. Prior to the Supreme Court decision, Janzen encountered disapproval and a lack of support from some of the people closest to her.

Two waitresses awarded \$10,000

Restaurant, former cook ordered to pay in sexual harassment case

been mended since that time; some not. It took its toll on a lot of levels," Janzen says.

Janzen also got a lesson on the lack of understanding, even among some of Canada's top judges. Commenting on the Manitoba Court of Appeal decisions that did not rule in her favour, Janzen said, "I think one of the judges in his statement had actually compared what I had gone through to a boy pulling my pigtails in the classroom... and I thought, he just doesn't know, and that kind of saddened me."

One who did understand from the beginning was Yude Henteleff. In the first 1982 human rights hearing into the complaint, Adjudicator Henteleff ruled in Janzen and Govereau's favour referring to the women as being "very courageous."

Dianna Scarth, Executive Director of the Manitoba Human Rights Commission emphasizes the importance that one complaint can have in changing the lives of many.

"The impact that Dianna Janzen had on human rights in this country can never be underestimated," says Scarth. "She showed how one person filing a complaint can benefit hundreds of thousands of people."

As for Janzen, today she describes herself as happy and successful. "I achieved something with my life, beyond the Supreme Court ruling and maybe even because of it. Maybe all is connected. They say we are a sum of all of our experiences."

While Janzen recognizes times have changed and people are better educated about sexual harassment in the workplace, she is still concerned about the vulnerability she sees in young people on their first jobs, the same vulnerability she now recognizes in herself back then. "As smart as young people are today, some will still walk down the same path I walked down and need to make decisions. I have teenage children and sometimes I have to ask myself if things have really changed. There is still more to be done."

A link to the entire hour long interview with Dianna Janzen and an article can be found on a web page at www.StephenHammond.ca